

Letter 4 – HEL Determination

DATE

Mr./Ms.
Any Street
Any Town, FL 30000

Dear :

We have just completed a preliminary technical determination, as requested, for highly erodible land on the following tract(s): . The Food Security Act of 1985, as amended, requires that we provide you with a “final technical determination” for highly erodible land that meets current NRCS standards as per the regulations at 7 CFR 12.22.

The enclosed aerial photocopy and NRCS-CPA-026E form “Highly Erodible Land and Wetland Conservation Determination” identify those fields that have been determined to be highly erodible land (HEL) in accordance with the applicable regulation, 7 CFR Part 12, Section 12.6(c)(2)(ii).

The Food Security Act of 1985, as amended, requires any person who applies for and/or receives certain USDA program benefits to comply with the HEL conservation compliance provisions of the Act. Therefore, in order to maintain your USDA program eligibility, you must use a conservation system when planting annually tilled agricultural commodity crops that will meet the soil protection requirements that result in either a substantial reduction of soil erosion or no substantial increase in soil erosion (sodbuster from *native* vegetation).

If you need assistance in developing a conservation system that will meet the criteria and protect your USDA programs eligibility, please contact us early in the year and prior to planting or producing a crop on a field designated as HEL. You may also utilize the services of a third party or technical service provider to develop a system that will meet the requirements of the provisions.

In accordance with federal law set forth at 7 U.S.C. 6991, *et seq.*, and NRCS regulations as contained at 7 CFR 614, the following information is provided to you should you wish to appeal this preliminary HEL determination:

This preliminary technical determination will become final and certified 30 days from the date that you received this notification unless you request either of the following options in writing from our office:

- A field visit for reconsideration to review with you the basis for our determination and to gather any additional information from you concerning this preliminary technical determination.
- Mediation from the Florida Agricultural Mediation Service (toll free ph: 1-888-712-9421). Mediation is an informal and confidential process in which a trained, impartial facilitator helps the involved parties determine if a solution to a problem can be agreed upon. Mediation is also helpful in fully explaining the basis for the determination as well as providing you with a non-threatening arena for you to present any additional information that should be considered in making the technical determination.

If a field visit or mediation is requested, a **final technical determination** will be issued within 30 days after the field visit or completion of mediation. If you do not agree with the final technical determination, you will have 30 days from the date you receive the final technical determination to file an appeal with the USDA Farm Service Agency. Any request for appeal must be in writing and should state the reason for your appeal request as well as furnishing factual information as to why you believe the determination is in error. All appeal-related correspondence must be sent to:

FSA *[DC: enter County name]* County Committee
ADDRESS
CITY, FL [zip]
ph: _____

We will forward a copy of your administrative record to the FSA County Committee for use in the appeal. Once final, the HEL determination will be listed as such on FSA and NRCS records. FSA will provide you with any further rights to review and/or appeal.

The HEL final technical determination remains with the land. If you have any questions about the information contained in this HEL determination, please contact me. In addition, if you are the owner of this tract and have a tenant, I urge you to discuss this letter and the enclosed HEL determination with your tenant. Likewise, if you are the tenant of this tract of land, I urge you to discuss this information with your landlord.

Sincerely,

(DC's NAME)
District Conservationist

Cc: (FSA CED's Name), County Executive Director, FSA
[landlord/tenant if applicable]

Enclosures: Form NRCS-CPA-026E and Aerial Photo Map